

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

CELINA INSURANCE GROUP,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:23-cv-00237-HAB-SLC
)	
JERRY MICHAEL,)	
)	
Defendant.)	

AMENDED MOTION FOR DEFAULT JUDGMENT

Plaintiff, Celina Insurance Group (“Celina”), by counsel and pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, hereby files its Amended Motion for Default Judgment. In support of this Amended Motion, Celina relies on the record in this case. In further support of this Motion, Celina states the following:

1. Plaintiff, Celina Insurance Group, filed its Complaint for Declaratory Judgment on June 8, 2023 seeking a declaratory judgment that (1) there is no uninsured motorists coverage under the Celina Policy issued to Jerry Michael for any claim by Jerry Michael arising from an accident on or about June 2, 2022 and (2) Celina is relieved from any duty to provide coverage to Jerry Michael for any claim he makes arising from the accident on or about June 2, 2022.

2. Celina followed the Federal Rules of Civil Procedure in serving its Complaint for Declaratory Judgment on Jerry Michael, which at the time was unrepresented in this lawsuit. Under Federal Rule of Civil Procedure 5(b)(2)(C), service may be made by “mailing [a paper] to the person’s last known address—in which event service is complete upon mailing.” Fed. R. Civ. Pro. 5(b)(2)(C). Service need only be made on an attorney if the party is represented by an attorney at the time of service. Fed. R. Civ. Pro. 5(b)(1).

3. Celina mailed its Complaint for Declaratory Judgment to Jerry Michael at 608 S. Elm St., Apartment A, Montpelier, IN 47359 by U.S. Mail, tracking number 9414 8361 0426 2945 1986 44. (*see* Certificate of Service of Summons filed with the Court (Doc. 7); *see also* Proof of Service attached as **Exhibit A** to Celina's April 17, 2024 Motion for Clerk's Entry of Default (Doc. 16-1)).

4. Because service of process was proper, Jerry Michael was thus required to answer or otherwise respond to Celina's Complaint for Declaratory Judgment on or before July 18, 2023.

5. July 18, 2023 has since passed, and Jerry Michael has failed to plead, answer or otherwise move with respect to Celina's Complaint for Declaratory Judgment.

6. On April 17, 2024, Celina filed its Motion for Clerk's Entry of Default. (Doc. 16).

7. On April 18, 2024, this Court entered its Clerk's Entry of Default against Jerry Michael for his failure to plead or otherwise defend as provided by Rule 55(a) of the Federal Rules of Civil Procedure. (Doc. 17)

8. By information and belief, Jerry Michael is not an infant or incompetent person.

9. By information and belief, Jerry Michael is not on active military service such that the Soldiers' and Sailors' Civil Relief Act of 1940 does not apply. Celina's statement that Jerry Michael is not on active military service is based upon its review of his Military Status Report. (*see* Military Status Report attached hereto as **Exhibit 1**).

10. Celina thus requests that the Court grant this Motion and enter a declaratory judgment by default against Jerry Michael.

WHEREFORE, Plaintiff, Celina Insurance Group, by counsel, requests this Court to formally enter a declaratory judgment by default for the Plaintiff and against the Defendant, Jerry Michael, determining and declaring as follows:

- a. there is no uninsured motorists coverage under the Celina Policy for any claim by Defendant, Jerry Michael, arising from the Accident occurring on or about June 2, 2022;
- b. Celina is relieved from any duty to provide coverage to Mr. Michael for any claim he makes arising from the Accident occurring on or about June 2, 2022; and
- c. all other relief just and proper in the premises.

Respectfully submitted,

/s/ Anna M. Mallon
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed with the Court's Indiana E-Filing System on June 26, 2024. Notice of this filing was also provided to the following party via U.S. Mail, postage prepaid:

Jerry Michael
608 S. Elm St. Apt A
Montpelier, IN 47359-1490
Pro Se Defendant

/s/ Anna M. Mallon
Anna M. Mallon